

HOGAN & HARTSON  
L.L.P.

DAVID L. SIERADZKI  
COUNSEL  
DIRECT DIAL (202) 637-6462  
INTERNET DS0@DC2.HHLAW.COM

COLUMBIA SQUARE  
355 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910

February 10, 1999

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

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Re: Overcoming Obstacles To Telephone Service For Indians  
On Reservations, BO Docket No 99-11, DA 99-201

Dear Ms. Salas:

On behalf of Western Wireless Corporation ("Western Wireless"), I am enclosing for filing the Comments of Western Wireless Corporation in the proceeding referred to above. These comments generally track the testimony of Gene DeJordy, Executive Director of Regulatory Affairs for Western Wireless, at the January 29, 1999 hearing in this proceeding in Albuquerque, New Mexico, and are filed in response to the Commission's Public Notice DA 99-201 (released January 21, 1999).

Please contact me if you have any questions.

Respectfully submitted,



David L. Sieradzki  
Counsel for Western Wireless

Enclosures

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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COMMUNICATIONS SECTION

Overcoming Obstacles To Telephone	)	BO Docket No. 99-11
Service For Indians On Reservations	)	DA 99-201

**Comments of Western Wireless Corporation**

Western Wireless Corporation ("Western Wireless") hereby submits these Comments on the Commission's inquiry into, and public hearings on, "Overcoming Obstacles to Telephone Service For Indians On Reservations." Western Wireless is a facilities-based telecommunications provider in 21 western states serving the communications needs of consumers in many rural, high-cost areas, including Indian Reservations. The obstacles to the delivery of telecommunications service to Indian Reservations are rooted in the cost of providing service and the lack of a cost recovery mechanism that allows competitive carriers to provide affordable telecommunications service.

Western Wireless, through its subsidiaries, holds cellular, Personal Communications Service ("PCS"), and Local Multipoint Distribution Service ("LMDS") radio licenses covering over 60 percent of the geography of continental United States. Western Wireless provides service throughout many of its licensed areas. In Montana, for example, Western Wireless provides cellular telephone service throughout 98% of the geography of the state, including the Flathead, Blackfeet, Rocky Boys, Fort Belknap, Fort Peck, Crow, and Northern Cheyenne Indian Reservations. In New Mexico, Western Wireless provides PCS in urban and certain rural areas, and provides cellular telephone service in the rural southwestern portion of the state, including the Mescalero Apache Indian Reservation. Within the 21 states that Western Wireless provides telecommunications service, the Company serves 23 Indian Reservations in 10 different states. These Indian Reservations are identified in Attachment A.

Although Western Wireless serves many Indian Reservations throughout its service area, obstacles remain to the delivery of affordable telecommunications service to residents of Indian Reservations. These obstacles fall into the following categories: cost of providing service; and constructing and operating a telecommunications service.

### **Cost of Providing Service**

Many Indian Reservations are consider high-cost areas. The term high-cost areas is used herein to referred to areas where the cost of service exceeds a rate that is considered to be affordable for the consumer. If the affordable rate for telephone service is considered to be \$31.00 per month, then any area in which the cost of providing service exceeds \$31.00 per month would be considered a high-cost area. The obstacle to the delivery of affordable telecommunications service in many Indian Reservations is that the cost of telephone service exceeds \$31.00 per month, and there is no mechanism in place to allow a competitive carrier to recoup its total costs of providing service to these high-cost areas. One potential solution to this problem is to use the federal universal service fund to support the cost of providing service to high-cost areas on Indian Reservations until a state establishes a competitively-neutral universal service fund, at which time the cost of service would be shared by federal and state universal service funds.<sup>1</sup>

Currently, Western Wireless' rates for mobile telecommunications service is based upon its

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<sup>1</sup> A variation of this same approach also should be adopted to fund competitive carriers that serve high-cost consumers that reside in areas served by rural telephone companies. Because a competitively-neutral funding mechanism has not been established for areas served by rural telephone companies, competitive carriers are effectively foreclosed from entering this market and providing the consumer with a choice for their telecommunications needs. The solution to this problem also lies in making federal funding available to competitive carriers that serve consumers located in areas served by rural telephone companies.

costs and is reflected in its established rate plans. To provide a rate plan more akin to traditional local exchange service (*e.g.*, \$15.00 per month for unlimited local usage), a carrier would require access to universal service funding.

The public interest benefits of establishing a competitive universal service funding mechanism for high-cost areas on Indian Reservations would be significant. A competitive universal service system would not only provide for the delivery of telecommunications services by one service provider, but would also foster a competitive environment. Another public interest benefit of establishing a competitive universal service system would be the introduction of service offerings valuable to the consumer, such as large local calling areas. In one community where Western Wireless introduced a competitive local telephone service offering, a large local calling area was established that allowed consumers to make a local call to a central business district more than 50 miles away.

#### **Placement and Operation of Antenna Towers**

One of the more significant issues faced by Western Wireless in operating a wireless telecommunications system is the placement and operation of antenna towers. While some communities have established an expedited process for the approval of antenna towers, other communities have not embraced the placement and operation of antenna towers. Western Wireless' experience with locating antenna towers on Indian Reservations is much like its overall experiences. Some of the specific obstacles to the placement and operation of antenna towers on Indian Reservations include:

1. no single point of contact or decision maker for negotiating the placement and operation of antenna towers;

2. no formal process for gaining approval for the placement and operation of antenna towers;
3. unclarity of the role of individuals and institutions, such as the Bureau of Indian Affairs, in business dealings; and
4. understanding of the laws, regulations, and policies governing the placement and operation of antenna towers.

Respectfully submitted,

Western Wireless Corporation

By:



Gene DeJordy, Esq.  
Executive Director of Regulatory Affairs  
Western Wireless Corporation  
3650 131st Ave., SE  
Bellevue, Washington 98006  
425-586-8055 (tel)  
425-586-8090 (fax)  
E-Mail: gene.dejordy@wwireless.com

Dated: January 29, 1999

## ATTACHMENT A

### INDIAN RESERVATIONS SERVED BY WESTERN WIRELESS

#### Arizona

Kaibab

#### Colorado

Southern Ute

#### Minnesota

Red Lake

Upper Sioux

White Earth

Lower Sioux

#### Montana

Flathead

Rocky Boys

Fort Peck

North Cheyenne

Blackfeet

Fort Belknap

Crow

#### Nebraska

Santee

Winnebago

Omaha

#### Nevada

Walker River

Gosute

Duck Valley

#### New Mexico

Mescalero Apache

#### North Dakota

Fort Berthold

Devil's Lake Sioux

Cheyenne River

Rosebud

Lower Brule

Lake Traverse/Sisseton

Turtle Mountain

Standing Rock

Pine Ridge

Yankton

Crow Creek

#### Utah

Navajo

Ute Mountain

## **SERVICE LIST**

Eric Jensen  
Office of Communications Business Opportunities  
Federal Communications Commission  
1919 M Street, N.W., Room 644  
Washington, D.C. 20554

Bill Kehoe  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 534  
Washington, D.C. 20554

Ben Freeman  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, N.W.  
Washington, D.C. 20554

Sharon Franklin  
Office of General Counsel  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Room 8-C743  
Washington, D.C. 20554